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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/619,418      | 07/16/2003  | Kim Andrew Leblanc   | 49519-2             | 7352             |

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EXAMINER

PECHHOLD, ALEXANDRA K

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3671

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/619,418             | LEBLANC, KIM ANDREW |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Alexandra K Pechhold   | 3671                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>filed 7/8/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsung-Ping (US 6,119,811).**

Regarding claim 1, Tsung-Ping discloses a collapsible loading ramp comprising:

- at least a pair of longitudinal support structures, seen as supporting rods (10), each having an upper surface and including a raised post extending from the upper surface, seen as either shaft (30) or rod (33);
- a cross member, seen as steps (15), formed to attached between the at least a pair of longitudinal support structures by removably engaging against the posts, since the rods (33) and shafts (30) have to be inserted into the structure upon its assembly (Col 4, lines 23-28) and therefore are also removable, and
- the at least a pair of longitudinal support structures and the cross member being separable from the others for disassembly and collapsing of the ramp, since the longitudinal support structures and the cross member are

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capable of being separated, or alternatively, when viewing two separate ladder assemblies, they are separable from each other.

Regarding claim 2, a pair of side supports can be viewed as control means (20), which extends between upper and lower steps.

Regarding claim 3, as Figs. 3 and 4 illustrate the control means (20) having two sides, either of which can be viewed as being mounted against the longitudinal support structures, seen as supporting rods (10).

Regarding claim 4, Tsung-Ping discloses that the control means (20) is inserted into the step (15) (Col 4, lines 21-38), and this connection will inherently have some flex therebetween before the rod (33) and shaft (30) are inserted therein.

Regarding claim 5, the hinge connections are depicted in Figs. 6 and 7.

Regarding claim 7, a shock absorber can be viewed the regulating spring (39) of Tsung-Ping.

Regarding claim 8, Fig. 2 of Tsung-Ping illustrates an aperture extending inwardly from the end of the step (15), which can be fit over the post on the support structure.

Regarding claim 9, the angled head can be viewed as the top "mushroom" portion of shaft (30) or rod (33) in Fig. 2, since it is angled from the cylindrical part of the shaft or rod, under which the cross members, seen as steps (15) can be slid to be locked against lifting vertically off the post.

Regarding claim 10, Figs. 7 and 8 of Tsung-Ping illustrate the stacking of steps (15).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsung-Ping (US 6,119,811) as applied to claim 5 above, and further in view of Martin (US 6,135,532).** Tsung-Ping fails to disclose a safety cable connected about the hinge. Martin teaches a hinge assembly (58) seen in Figs. 3, 4, 7, and 8 having a cable (110) connected about the hinge assembly (58), such that when the cable is pulled taut about the hinge, it will prevent the hinge from overrotating when a load is applied to the ramp. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the collapsible ramp of Tsung-Ping to include a safety cable connected about the hinge as taught by Martin, since Martin states in column 5, lines 30-34 that the assembly is arranged to distribute a uniform load over the load cable; this inherently will impede overrotation of the hinge when a load is applied to the ramp.

***Response to Arguments***

5. Applicant's arguments filed 6/25/04 have been fully considered but they are not persuasive.

Applicant sets forth two primary reasons to support the argument that Tsung-Ping does not disclose the ramp as recited in claim 1. First applicant argues that Tsung-Ping does not disclose the claimed recitation of a cross member formed between a pair of longitudinal support structures by removably engaging against a post. The Examiner maintains the rejection of this limitation, since the cross members, seen as step (15), removably engage the posts, seen as shafts (30) or rods (33), since the rods (33) and shafts (30) have to be inserted into structure upon its assembly (see column 4, lines 23-28). Therefore, since the rods and shafts have to be installed into the ladder structure, they are also removable. For this reason, the Examiner maintains the rejection, since the rods and shafts are capable of being removed thereby rendering the steps (15) removably engage against the rods and shafts.

Applicant's second argument with respect to claim 1 is that Tsung-Ping does not disclose the limitation of the at least a pair of longitudinal support structures and the cross member each being separable from the others for disassembly and collapsing of the ramp. This recitation merely requires that at least a pair of support structures and cross member are *capable* of separation from the others. Tsung-Ping discloses a hinged connection between the cross members and longitudinal support structures for easy compaction. Yet the joints are certainly capable of being physically separated if so desired, or viewing two

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ladders together results in separate assemblies. For this reason, the Examiner also maintains the rejection of this limitation.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

AKP  
8/16/04